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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-204935

DATE: October 13, 1981

MATTER OF: Sands Construction Company, Inc.

**DIGEST:**

The SBA, not GAO, conclusively determines matters of small business size status for Federal procurement purposes. 15 U.S.C. § 637(b)(6) (1976).

Sands Construction Company, Inc., protests the award of a contract to GAVCO Co., Inc., under a total small business set-aside solicitation, issued by the Department of the Navy. Sands states that GAVCO is affiliated with Ocean Electric Co., Inc., which is not a small business concern. Sands has requested that we investigate the matter.

The issue raised by Sands regarding GAVCO's size is not subject to our review, as 15 U.S.C. § 637(b)(6) (1976) provides that the Small Business Administration will conclusively determine matters of small business size status. Collins and Company General Contractors, Inc., B-195932, October 1, 1979, 79-2 CPD 234.

Therefore, the protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel

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